

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

FARMER'S ALLIANCE MUTUAL INSURANCE COMPANY,

Appellant

v.

DANIELS PLUMBING, ET AL.

Respondents

DOCKET NUMBER WD78834

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: August 9, 2016

Appeal From:

Circuit Court of Henry County, MO
The Honorable Wayne Patrick Strothmann, Judge

Appellate Judges:

Division Three
Victor C. Howard, P.J., Lisa White Hardwick, and James Edward Welsh, JJ.

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**FARMER'S ALLIANCE MUTUAL INSURANCE COMPANY,
Appellant, v. DANIELS PLUMBING, ET AL., Respondents**

WD78834

Henry County

Before Division Three Judges: Victor C. Howard, P.J., Lisa White Hardwick, and James Edward Welsh, JJ.

Farmer's Alliance Mutual Insurance appeals the circuit court's grant of summary judgment in favor of Daniels Plumbing on the basis of the ten-year statute of repose in section 516.097, RSMo, which bars actions against architects, designers, and builders of defective improvements to real property brought more than ten years after completion of the improvement.

AFFIRMED.

Division Three holds:

The circuit court did not err in granting Daniels' motion for summary judgment based on the statute of repose in section 516.097, because Daniels' "sole connection to the improvement" (as required by the statute) was that it designed and built the gas supply line. A contract between the contractor and homeowner does not create an additional "connection" that would preclude application of the statute of repose.

The circuit court did not err in rejecting Farmer's claim that section 516.097 applies only to "tort" actions (based on the use of that word in its heading). The bold-faced headings assigned to each individual section are not "titles" and "are not to be considered in construing our statutes." *State ex rel. Agard v. Riederer*, 448 S.W.2d 577, 581 (Mo. banc 1969). The statute itself provides that "[a]ny action to recover damages . . . shall be commenced within ten years of the date on which such improvement is completed." § 516.097.1. Thus, the circuit court did not err in finding that the statute of repose acts to eliminate *all* of Farmer's claims.

Opinion by: James Edward Welsh, Judge

August 9, 2016

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